

Superfund Program Implementation Manual FY 04/05

Appendix D: Federal Facilities

**This Page Intentionally
Left Blank**

Appendix D Federal Facilities

Table of Contents

D.A.	FEDERAL FACILITIES PRIORITIES	D-1
D.A.1	Overview	D-1
D.A.2	Superfund Federal Facility Goals and Priorities	D-1
	a. Strategic Federal Facility Goals	D-1
D.A.3	RCRA Activities at Federal Facility NPL Sites	D-2
D.A.4	BRAC Budget and Financial Guidance	D-3
	a. Resources and Tracking Mechanisms	D-3
	b. Accountability for Resources	D-4
D.B.	FACILITIES FY 04/05 TARGETS AND MEASURES	D-5
D.B.1	Overview of FY 04/05 Federal Facilities Targets and Measures	D-5
	a. Reporting of Non-NPL Federal Facilities Data	D-5
D.B.2	Federal Facilities Definitions	D-8
	a. Base Closure Decisions	D-8
	b. Federal Facility Agreement (FFA)/Interagency Agreement (IAG)	D-9
	c. Federal Facility Dispute Resolution	D-10
	d. Use of Supplemental Environmental Projects (SEPs)	D-10
	e. Remedial Investigation/Feasibility Study (RI/FS) or RCRA Facility Investigation (RFI) Starts	D-11
	f. Timespan from Final NPL Listing to RI/FS or RFI Start	D-11
	g. Decision Documents	D-12
	h. Final Remedy Selected/Final ROD Authority	D-12
	i. Explanations of Significant Difference (ESD) and ROD Amendments	D-13
	j. Remedial Design	D-13
	k. Duration of ROD to IAG Negotiation Completion	D-14
	l. Remedial Action (RA) or RCRA Corrective Measure Implementation (CMI) Starts	D-14
	m. Timespan from ROD Signature to RA Start	D-15
	n. RA or CMI Completions	D-15
	o. Removal or RCRA Interim/Stabilization Measure (ISM) — Starts and Completions	D-19
	p. NPL Site Construction Completions	D-19
	q. Operation and Maintenance (O&M)	D-22
	r. Cleanup Goals Achieved	D-22
	s. Federal Facility Five-Year Reviews	D-23
	t. Federal Facility Partial NPL Deletion	D-23
	u. Federal Facility Final NPL Deletion	D-24
D.B.3	Community Involvement Definitions	D-25
	a. Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs)	D-25
	b. Technical Assistance Grants (TAGs) this section is pending review by OGC and EPA GRANTS	D-26
	c. Technical Outreach Services for Communities (TOSC)	D-27
D.C.	SUBJECT MATTER EXPERTS	D-27

Appendix D
Federal Facilities

List of Exhibits

EXHIBIT D.1 FEDERAL FACILITIES ACTIVITIES	D-6
EXHIBIT D.2 REMEDIAL PIPELINE FLOW CHARTS	D-18
EXHIBIT D.3 SUBJECT MATTER EXPERTS	D-27

APPENDIX D FEDERAL FACILITIES PRIORITIES

D.A FEDERAL FACILITIES PRIORITIES

D.A.1 OVERVIEW

To manage the Superfund Federal facilities program, the Federal Facilities Enforcement Office (FFEO) and the Federal Facilities Restoration and Reuse Office (FFRRO) use the Federal Facilities Leadership Council (FFLC) to help identify and resolve issues unique to the management of EPA's Superfund Federal facility response program. The FFLC is comprised of Superfund and/or the Resource Conservation and Recovery Act (RCRA) program and enforcement/counsel representatives from all regions, as well as representatives from the Federal facilities Headquarters (HQ) offices and other HQ offices that handle Federal facility issues.

Federal agencies conducting the cleanups have seen their budgets level out or reduced over the last few years. The FY 03 Department of Defense's (DoD) cleanup budget was \$1.8 billion including work at Base Closing installations, and the FY 03 Department of Energy's (DOE) environmental management budget was about \$6.7 billion. Other Federal agencies' budgets are considerably smaller. There are approximately 107 BRAC Installations where EPA supports the DoD cleanup and transfer process. EPA's FY 03 BRAC funding request to DoD provides \$8.6 million to fund 73.5 Full Time Equivalent (FTE) positions.

D.A.2 SUPERFUND FEDERAL FACILITY GOALS AND PRIORITIES

a. Strategic Federal Facility Goals

Superfund Federal facility activities have high visibility because of the significant threats posed by military and weapons sites, the impact of military base closings, the resources needed to implement DoD/DOE cleanup efforts at facilities listed on the NPL and other non-NPL facilities, and heightened State, Tribal and other stakeholder interests. Federal facility program goals for FY 02/03 are based on a number of related factors, including overall Superfund program goals, anticipated resource constraints, Congressional interest, and statutory requirements. Program activities and resources should be planned to achieve the following goals of the Federal facility program's strategic plan:

- ***Enforcing the Laws*** - The public needs to know that it will be protected from environmental hazards through vigorous enforcement by the EPA and the States for violations of environmental laws and situations that put people and natural resources at risk. EPA intends to use its enforcement authorities not only to compel compliance, but also to promote long-term policy objectives such as greater citizen involvement, pollution prevention, technology development, and natural resource management.
- ***Expediting Property Reuse*** - When installations are slated for closure or realignment, environmental restoration activities continue with the same cleanup objective as those of active installations -- protect human health and the environment. At the time of closure or realignment, specific BRAC property, and its possible future use, is identified. The closed or realigned property will eventually be transferred to another Service Component, Federal agency or a non-Federal entity, such as a state or local government or private entity. Along with cleanup objectives, BRAC installations focus on efficient property transfer, providing beneficial reuse of the property by the local community. At BRAC installations, both environmental restoration and property disposal activities are carried out pursuant to environmental and Federal property management laws (Defense Environmental Restoration Program (DERP), National Environmental Act, (NEPA), and CERCLA. Three overarching principles guide expedited cleanup: 1) protect human health and the environment; 2) make

property available for reuse and transfer as soon as possible; and 3) provide for effective community involvement. In an effort to ensure that cleanup is addressed in a systematic and safe manner, with the worst sites remediated first, DoD developed the Relative-Risk Site Evaluation system. With revitalization being one of OSWER's six priorities, property reuse is a GPRA initiative OSWER is currently establishing for the cleanup program. The number of BRAC acres planned for transfer or lease, and the number of acres transferred or leased are currently being tracked by DoD.

- ***Site Construction Completions:*** Regional efforts should be focused on getting to completion of construction at Federal facilities whether they are accomplished under remedial or removal authority. Meeting this goal will help build the Superfund program's credibility, which is vital to Superfund's long-term success.
- ***Environmental Indicators*** - In addition to Construction Completions, Environmental Indicators (EI) provide current site information regarding risk reduction at sites where cleanup is ongoing. It is important to focus on EI data because it will ensure that those who monitor the Superfund program will be aware of progress at sites where construction has not been completed.
- ***Involving Citizens in Environmental Decision Making*** - The publication of the *Final Report of the Federal Facilities Environmental Restoration Dialogue Committee* in April 1996 was a watershed event for public involvement in Federal facility cleanups. As a result of the report, Federal agencies have established Restoration Advisory Boards (RABs) at DoD installations and Site Specific Advisory Boards (SSABs) at DOE facilities. Other Federal agencies are also starting to form advisory boards. Regional staff and management are expected to be especially sensitive to the requests at NPL facilities and at the BRAC facilities. Because of resource constraints, participation and support for non-NPL facilities is expected to be minimal. In addition, because many of the communities surrounding the Federal facilities are communities of color, low-income, and have been historically politically and economically disenfranchised, regions should give close scrutiny to environmental justice issues at the NPL Federal facilities. Regions need to work closely with State agencies and their Federal counterparts to ensure that the President's Executive Order on Environmental Justice is successfully carried out (E.O. 12898).
- ***Preventing Pollution*** - Focus on pollution prevention solutions at the source instead of "at the end of the pipe." Investing in pollution prevention saves money, minimizes environmental liability, and provides legitimate relief from operating under onerous pollution control regulation. Executive Order 12856, signed by President Clinton on August 3, 1993, requires Federal agencies to develop comprehensive pollution prevention strategies and seek to reduce by 50% their emissions of toxic chemicals or toxic pollutants by 1999. Federal agencies met this goal three years early in 1996.

Regions should continue to strive to place these priorities and project milestones in enforceable Federal Facility Agreements (FFAs)/Interagency Agreements (IAGs) at NPL sites. FFAs and IAGs should be viewed as living, dynamic documents reflecting not only the best judgments by all parties of cleanup priorities and milestones at the time of agreement, but also that reflect the changing circumstances of environmental cleanup. Regions should consider adding into either existing or new FFAs/IAGs the process for annual review and consider adjusting enforceable milestones.

D.A.3 RCRA ACTIVITIES AT FEDERAL FACILITY NPL SITES

EPA has long recognized that because most of the Federal facility sites are also active facilities, RCRA requirements may also apply to certain site cleanup activities. **Regions must strive to eliminate RCRA/CERCLA duplications wherever appropriate.** To get a better overall picture of a facility's cleanup activities, FFRRO has integrated into the Government Performance and Results Act (GPRA) and program measures several RCRA activities that are generally

analogous with CERCLA activities. They include: RCRA Facility Investigation (RFI); Corrective Measures Study (CMS); Corrective Measure Design (CMD); Interim/Stabilization Measure (ISM); and Corrective Measure Implementation (CMI), Human Exposures Under Control and Migration of Contaminated Groundwater Under Control. FFEO has already accomplished a similar exercise through the Federal Facility Tracking System.

D.A.4 BRAC BUDGET AND FINANCIAL GUIDANCE

a. Resources and Tracking Mechanisms

The primary mission of the Superfund Federal facilities program is to ensure that the hazardous waste sites owned or operated by the Federal government are addressed and cleaned up as quickly as possible. Regional efforts should be focused on getting to completion of construction activities at Federal facilities whether they are accomplished under remedial or removal authority. Meeting these goals will help build the program's credibility, which is vital to Superfund's long-term success.

Under the Base Realignment and Closure Acts (BRAC) of 1988, 1991, 1993, and 1995, 205 military installations were scheduled for closure or realignment. Of this total, 107 are part of the BRAC Cleanup Program, and of those, 33 sites are on the NPL, and there are a number of non-NPL sites requiring some degree of decontamination. The Agency continues to assist DoD in assessing these properties, accelerating cleanup actions wherever possible, listing sites on the NPL when appropriate, and ensuring that remedies selected reflect the views of the affected communities surrounding the sites. HQ and Regional managers must work with DoD, tribal, state, local governments, and private interests to expedite cleanup and support property transfer, reuse and economic development.

Program management guidance is included in the BRAC Fast Track guidance. Beginning in FY 94, DoD provided EPA, via an interagency funding agreement, with reimbursable resources to support EPA's cleanup activities. DoD, EPA, and the Office of Management and Budget (OMB) worked together to develop the details of this agreement, which included 100 additional reimbursable work years for EPA and \$7 million starting in FY 94. In early FY 96, EPA reached agreement with DoD to fund EPA support for BRAC 4 (1995) installations designated as Fast Track Cleanup sites. As a result, interagency funding agreement for BRAC rounds I, II, III, and IV was assured through FY 01. Although the program is ramping down, DoD is currently funding 76.3 FTE filled EPA positions. EPA and DOD are finalizing language for the post-FY 2002 EPA/DoD BRAC memorandum of understanding. The signing of this agreement means DOD will provide funding through FY 2005 to EPA for its continued support at BRAC installations. EPA's participation in the BRAC program has afforded DOD an estimated cost savings of \$344M and 403 project years through FY 2001. BRAC has enabled EPA to facilitate property reuse through expedited cleanup. The FY 2002 National Defense Authorization Act, which established the Efficient Facilities Initiative (EFI), authorizes a new round of BRAC sites for 2005.

The majority of EPA's BRAC resources are invested in the regions for technical and regulatory oversight at BRAC installations. EPA uses Base Closure funding for EPA personnel to participate on BRAC Base Cleanup Teams (BCT) as either the EPA designated team member or as technical experts. EPA Regional Federal Facility programs, in conjunction with the Office of Regional Counsel, Regional NEPA teams, State environmental regulatory agencies, and DoD, have formed a BCT for each of the BRAC installations. The BCT is comprised of one representative from the EPA region, one representative from the State, and one representative from DoD. The BCT serves as the primary forum in which issues affecting the execution of cleanup to facilitate reuse will be addressed. EPA relies upon in-house expertise; no BRAC funds are used for contractor support. Contractor support is provided under the Agency's Superfund Federal Facility response budget.

Regions are allocated work years and personnel, travel, and administrative funding based on negotiations with EPA Headquarters and DoD. The level of EPA support varies depending on regional and base specific circumstances.

The Agency monitors these DoD reimbursable resources via the Office of the Comptroller's (OC) Integrated Financial Management System (IFMS), which tracks HQ and regional expenditures separately for each BRAC round. EPA utilizes site-specific charging to track resource utilization back to actual site work. This separate tracking of BRAC round expenditures is required by BRAC legislation. EPA reports quarterly on their utilization to DoD and annually to OMB. [OC, Financial Management Division (FMD), Cincinnati, Ohio invoices DoD on actual program obligations incurred by EPA.]

HQ receives regular program activity reports from the regional offices, on the progress of work at all Fast Track installations. These reports are generated by the EPA Regional BRAC Cleanup Team personnel and provide HQ and DoD with pertinent program information related to cleanup and reuse. The Cincinnati Finance Office provides FFRRO with a monthly "BRAC Utilization Report" generated from the agency-wide MARS system. This MARS report details the status of expenditures by the Regional Base Closure work years, personnel, travel, and other funding. This reporting is done for overall program management purposes and to track resource expenditures in the BRAC IV (including non-site) allowances.

b. Accountability for Resources

BRAC reimbursable work years and funding **must be used** only for EPA related military Base Closure activities. Military Base Closure activities are activities related to cleanup of specific bases identified by the Office of Solid Waste and Emergency Response (OSWER) (in consultation with DoD). These activities include: accelerating the identification of clean parcels under the Community Environmental Response Facilitation Act (CERFA); developing BRAC Cleanup Plans (BCP); promoting community involvement in cleanup decision-making; preparing and reviewing site documents [e.g., BCP, Environmental Baseline Survey (EBS), RI/FS, RODs, RD, and RAs] and RCRA documents (e.g., RFI Starts, CMD Starts, and ISM Starts and Completions); studying and sampling field data; National Environmental Protection Act (NEPA) review and analysis; assisting DoD or States with BRAC site issues; and activities supporting EPA personnel participation in the BRAC program. These activities are outlined in the Memorandum of Understanding between EPA and DoD dated February 3, 1994, and subsequent memorandums and guidance related to EPA BRAC resources.

As the signatory and executing agent for the reimbursable agreement with DoD, the Assistant Administrator for OSWER (AA OSWER) will rely on Regional Administrators and, as the primary focus of the EPA BRAC resources, the Regional RCRA/Superfund National Program Managers to ensure reimbursable costs are accurate and appropriate. Each region has identified an individual in the appropriate division that is responsible for coordinating the Regional BRAC program and resources, and acts as a day-to-day liaison with OSWER and DoD. FFRRO, within OSWER, provides the AA OSWER with programmatic and financial reviews of specific regions. Reprogramming of funds submitted to the OC require notification of FFRRO for their approval.

HQ and regional personnel utilizing BRAC resources should receive authorization from their appropriate EPA HQ or regional senior managers and use the established BRAC budget program. The EPA Remedial Project Manager (RPM) and the support team are empowered to make decisions locally to the maximum extent possible. EPA has delegated certain authorities to the Regional Administrators (e.g., CERFA concurrence), who have in turn redelegated the authorities to other levels within their organizations. Regional personnel should be familiar with their internal delegation of authorities. Should the need arise, the RPM and support team will have the ability to raise issues immediately to senior EPA officials for resolution.

Note: Additional specific BRAC information can be found in the *Fast Track Program Guidance*.

D.B. FEDERAL FACILITIES FY 04/05 TARGETS AND MEASURES

D.B. 1 OVERVIEW OF FY 04/05 FEDERAL FACILITIES TARGETS AND MEASURES

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the AA SWER, Assistant Administrator for OECA (AA OECA), and senior Superfund managers to monitor the progress each region is making towards achieving the Government Performance and Results Act (GPRA) targets and annual performance goals. In addition, SCAP will continue to be used as an internal management tool to project and track activities that contribute to these GPRA goals and support resource allocation. The program (regions and HQ) will set national goals based on historical performance and performance expectations within a limited budget for the performance goals in GPRA and track accomplishments in the activities contributing to those goals. Regions should continue to plan and report accomplishments in WasteLAN as has been done traditionally.

To more clearly reflect the relationship between GPRA and the SCAP process, GPRA annual performance goals and measures and program targets and measures are defined as follows:

- **GPRA Annual Performance Goals (APG) and GPRA Annual Performance Measures (APM)** - The Agency's Annual Plan describes the specific annual performance goals, annual measures of outputs and outcomes, and activities aimed at achieving the performance goals that will be carried out during the year. APGs are the specific activities that the Agency plans to conduct during the fiscal year in an effort towards achieving its long-term strategic goals and objectives. APMs are used by managers to determine how well a program or activity is doing in achieving milestones that have been set for the year. The annual performance goals will inform Congress and Agency stakeholders of the expected level of achievement for the significant activities covered by the GPRA objective. The goals are a subset of the overall planning and budgeting information that has traditionally been tracked by the Superfund program offices.
- **Program Targets and Measures** are activities deemed essential to tracking overall program progress. Program targets are used to identify and track the number of actions that each region is expected to perform during the year and to evaluate program progress. Program measures are used to show progress made in achieving program priorities.

The following pages contain, in pipeline order, the definitions of the FY 04/05 Federal facilities targets and measures. Exhibit D.1 displays the full list of Federal facilities activities that are defined in the remainder of the Appendix, and identifies the FY 04/05 targets and measures. Exhibit D.3, at the end of this Appendix, describes the planning requirements for Federal facilities activities.

a. Reporting of Non-NPL Federal Facilities Data

Regions are responsible for entering data into WasteLAN for **Non-NPL** Federal facility sites, especially the BRAC Sites.

EXHIBIT D.1 (1 of 3)
FEDERAL FACILITIES NPL SITES

ACTIVITY	GPRA		PROGRAM	
	APG	APM	Target	Measure
Base Closure Start (if applicable)				✓
Base Closure Completion (if applicable)		✓		
Federal Facility Agreement (FFA)/Interagency Agreement (IAG)	✓			
Federal Facility Dispute Resolution				✓
Use of Supplemental Environmental Projects (SEPs)				✓
RI/FS or RCRA Facility Investigation (RFI) Starts				✓
Final NPL Listing to RI/FS Start		✓		
Decision Documents			✓	
Final Remedy Selected/Final ROD Authority		✓		
ESD or ROD Amendment				✓
Remedial Design				✓
Duration of ROD to IAG Completion		✓		
RA or Corrective Measure Implementation (CMI) Starts				✓
Timespan from ROD Signature to RA Start		✓		
RA or CMI Completion			✓	
Removal or RCRA Interim/Stabilization Measure (ISM) Starts		✓		
Removal or RCRA Interim/Stabilization Measure (ISM) Completions				✓
NPL Site Construction Completions	✓			
Operation and Maintenance (O&M)				✓
Cleanup Goals Achieved				✓
Federal Facility Five-Year Reviews				✓
Federal Facility Partial NPL Deletion				✓
Federal Facility Final NPL Deletion				✓
Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs)		✓		
Technical Assistance Grants (TAGs)				✓

NOTE: Accomplishments are pulled from WasteLAN on a bi-annual basis.

EXHIBIT D.1 (2 of 3)
FEDERAL FACILITIES BRAC SITES

ACTIVITY	GPRA		PROGRAM	
	APG	APM	Target	Measure
Base Closure Decision Starts (if applicable)				✓
Base Closure Decision Completions (if applicable)		✓		
RI/FS Start or RCRA Facility Investigation (RFI) Starts				✓
Decision Documents				✓
Final Remedy Selected/Final ROD Authority		✓		
ESD or ROD Amendment				✓
Remedial Design				✓
RA or Corrective Measure Implementation (CMI) Starts				✓
RA or CMI Completion				✓
Removal or RCRA Interim/Stabilization Measure (ISM) Starts		✓		
Removal or RCRA Interim/Stabilization Measure (ISM) Completions				✓
NPL Site Construction Completions (if on NPL)	✓			
Operation and Maintenance (O&M) (if applicable)				✓
Federal Facility Five-Year Reviews (if applicable)				✓
Federal Facility Partial NPL Deletion (if applicable)				✓
Federal Facility Final NPL Deletion (if applicable)				✓
Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs)		✓		
Technical Assistance Grants (TAGs)				✓
Technical Outreach Support for Communities (TOSC)				✓

EXHIBIT D.1 (3 of 3)
FEDERAL FACILITIES NON-NPL SITES

ACTIVITY	GPRA		PROGRAM	
	APG	APM	Target	Measure
RA or Corrective Measure Implementation (CMI) Starts				✓
RA or CMI Completion				✓
Removal or RCRA Interim/Stabilization Measure (ISM) Starts		✓		
Removal or RCRA Interim/Stabilization Measure (ISM) Completions				✓
Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs)		✓		
Technical Outreach Support for Communities (TOSC)				✓

NOTE: Definitions apply to all site categories.

D.B.2 FEDERAL FACILITIES DEFINITIONS

a. BASE CLOSURE DECISIONS: START AND COMPLETIONS

Definition:

A base closure action occurs when EPA is involved in either a CERFA Section 120(h)(4) uncontaminated parcel determination, a Finding of Suitability to Transfer (FOST), a Finding of Suitability to Lease (FOSL), or a determination is made by EPA that an approved remedy is Operating Properly and Successfully (OPS) at BRAC locations pursuant to CERFA/CERCLA Section 120(h)(3). Under CERFA/CERCLA Section 120(h)(4), the military service must designate, and EPA/State is required to concur, on property that is uncontaminated. A FOST documents the conclusion that real property made available through the BRAC process is environmentally suitable for transfer by deed under Section 120(h) of CERCLA. A FOSL documents that property at a BRAC location is environmentally suitable for lease, i.e., that the reuse does not impede the environmental response at the location and that the use of the property is limited to a manner which will protect human health and the environment. Under CERCLA Section 120(h)(3), before property can be transferred by deed, the military service must demonstrate to EPA that the approved remedy is operating properly and successfully.

The phrase “operating properly and successfully” involves two separate concepts: operating “properly” is used if the remedy is operating as designed; and, operating “successfully” is used if the operation of the remedy will achieve the cleanup levels or performance goals for the particular contaminant delineated in the decision document. Where more than one remedial action is required for a parcel, all such actions must operate properly and successfully. Therefore, EPA interprets the term “operating properly and successfully” to mean that the remedial action was engineered and implemented and is functioning in such a manner that it is expected to achieve cleanup goals and adequately protect human health and the environment.

Definition of Accomplishment:

Base Closure Decision Start Date: Date that a document is received by EPA that identifies a facility or a parcel as a candidate to be transferred by deed or lease (e.g., EBS submitted); or a clean parcel determination is received by EPA for concurrence as required by CERFA; or the date of the written request submitted by the other Federal agency for concurrence on suitability to transfer or lease; or the date on which a written request for EPA concurrence is received that a 120(h)(3) remedy is operating properly and successfully.

Base Closure Decision Completion Date: The date the appropriate Regional official signs a letter, form, or memo stating that EPA has completed its review and provided comments or concurrence on the FOST or FOSL; or the date the appropriate Regional official signs a letter, form, or memo stating that EPA has completed its review of the demonstration that a remedy is operating properly and successfully for purposes of CERCLA section 120(h)(3); or the date the appropriate Regional official signs a letter concurring on a clean parcel identified under CERFA. **In addition to entering the date of completion, also enter the acreage covered by the Base Closure Decision Document.**

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Base Closure Completions is a GPRA measure. Base Closure Starts is a program measure. **Regions may enter acreage information through the FOST or FOSL screen in WasteLAN.**

b. FEDERAL FACILITY AGREEMENT (FFA)/INTERAGENCY AGREEMENT (IAG)**Definition:**

FFAs/IAGs are legal agreements between Federal agencies responsible for cleanup, EPA, and the States. A State may elect not to participate in FFA/IAG negotiations. FFA/IAGs set forth detailed requirements for performance of site response activities as well as appropriate enforcement responses to non-compliance with the FFA/IAG. The FFA/IAG requirement is set forth in Section 120(e) of CERCLA.

Definition of Accomplishment:

FFA/IAG Start Date: Date notice letter is sent by EPA to the Federal facility, reported in WasteLAN as the actual start date (Actual Start) of FFA/IAG negotiations (Action Name = IAG Negotiation).

FFA/IAG Completion Date: Latter of the dates that the Federal agency, EPA, and/or State sign the IAG, or the date the Letter of Intent to sign an IAG is signed by all parties. This date must be reported in WasteLAN as the actual completion date (Actual Complete) of the FFA/IAG (Action Name = Federal Interagency Agreements).

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

FFA/IAG starts will be tracked as IAG negotiations (Action Name = IAG Negotiation). FFA/IAG completions will be tracked as the completion (Actual Complete) of the FFA/IAG (Action Name = Federal Interagency Agreement). For those FFAs/IAGs that are elevated for dispute resolution, record the date elevated as the actual completion date of the SubAction "IAG Dispute Admin Referral" and not as the FFA/IAG completion date. Regions do not receive credit for FFA/IAG completion when the FFA/IAG is elevated to HQ for dispute resolution. This is a GPRA target/annual performance goal.

c. FEDERAL FACILITY DISPUTE RESOLUTION

Definition:

When the Federal agency, State, and/or EPA make an effort to formally or informally resolve a FFA/IAG dispute after the FFA/IAG is signed.

Definition of Accomplishment:

Dispute Resolution Start Date: Date that any party to the FFA/IAG sends a letter to the other parties notifying them as to the issue in dispute. This is reported in WasteLAN as the actual start date (Actual Start) of dispute resolution (Action Name = Alternative Dispute Resolution).

Dispute Resolution Completion Date: Date the document resolving the issue is signed (e.g., letter of agreement, agreement document). This is reported in WasteLAN as the actual completion date (Actual complete) of dispute resolution (Action Name = Alternative Dispute Resolution).

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

Federal Facility Dispute Resolution is reported in WasteLAN as Alternative Dispute Resolution (Action Name = Alternative Dispute Resolution) with a Federal facility (FF) lead. This is a program measure.

d. USE OF SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs)

Definition:

SEPs are environmentally beneficial projects which a Federal agency agrees to undertake to mitigate a monetary penalty, but which the violator is not otherwise legally required to perform. The SEP could be for public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, emergency planning and preparedness, or other program-specific projects.

Definition of Accomplishment:

The date of agreement between EPA and Federal agency to implement a SEP is reported in WasteLAN as the SubAction "Supplemental Envir Projects". The estimated dollar value of the SEP must also be entered.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

This is a program measure. Both the number of SEPs and their estimated value will be tracked. The estimated value of the SEP is reported on the Penalty/SEP screen in the Federal Facilities module in WasteLAN.

e. REMEDIAL INVESTIGATION/FEASIBILITY STUDY (RI/FS) OR RCRA FACILITY INVESTIGATION (RFI) STARTS

Definition:

The RI/FS is a CERCLA investigation designed to characterize the site, assess the nature and extent of contamination, evaluate potential risks to human health and the environment, and develop and evaluate potential remedial alternatives. A RFI is a RCRA investigation designed to evaluate thoroughly the nature and extent of the release of hazardous wastes and hazardous constituents and to gather necessary data to support the Corrective Measure Study (CMS) and/or Interim/Stabilization Measure (ISM).

Definition of Accomplishment:

The RI/FS (Action Name = FF RI/FS or FF RI) or RFI (Action Name = RCRA Facility Investigation) start is defined as follows:

- Sites where there has been no RI/FS or RFI work started prior to the effective date of the FFA/IAG, the actual start date (Actual Start) is the EPA or State receipt of a draft work plan for the RI/FS or RFI; or
- Sites where RI/FS or RFI work has been started prior to the FFA/IAG effective date and there has been substantial EPA or State involvement (EPA or the State has reviewed and commented, approved/concurred, or accepted the work plan), the actual start date (Actual Start) is also the date of receipt of a draft RI/FS or RFI work plan (Note: this date will be prior to IAG completion date); or
- Sites where RI/FS or RFI work starts prior to the FFA/IAG effective date and there has been limited EPA or State involvement, the date of the RI/FS or RFI actual start date (Actual Start) is the latter date that EPA or the State and the other agency sign the FFA/IAG.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

This is a program measure.

f. TIMESPAN FROM FINAL NPL LISTING TO RI/FS

Definition:

Superfund Amendments and Reauthorization Act (SARA) Section 120(e) states “not later than six months after the inclusion of any facility on the NPL, the department, agency, or instrumentality shall ... commence a RI/FS for such facility.” This measure calculates the days and the time frame from final NPL Listing to the first RI/FS start. Sites with time frames greater than 180 days will be deemed not to have met this requirement.

Definition of Accomplishment:

This measure will calculate, by site, the interval between final NPL listing (publication of final listing in the *Federal Register*) and the actual date for the first RI/FS start. The timespan will be calculated based on the RI/FS start definition outlined above and the final NPL listing (Action Name = Final Listing on NPL) actual completion date (Actual Complete).

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

This is a GPRA APM reporting measure. Data in WasteLAN will be used to calculate the timespan on an annual basis. HQ will perform the analysis at the end of the fiscal year.

g. DECISION DOCUMENTS

Definition:

Upon completion of a Federal facility RI/FS, CMS, Engineering Evaluation/Cost Analysis (EE/CA), the Federal agency selects a remedy that is presented in a cleanup decision document (e.g., ROD, RCRA Statement of Basis/Response To Comments, Action Memo, or Removal Action Decision Document). EPA may either approve or concur on the remedy selection or, in the case of a dispute, EPA may select the remedy. For EPA, this authority has been delegated to the Regional Administrator or her/his delegate.

Definition of Accomplishment:

Date (Actual Complete) the ROD (Action Name = Record of Decision), the appropriate RCRA Statement of Basis/Response to Comments (Action Name = RCRA SB/RTC), Action Memo (Action Name = Approval of Action Memo), or Removal Action Decision Document (Action Name = Removal Action Decision Doc) is signed by the Regional Administrator or delegatee, or the date of EPA concurrence/approval on the clean-up decision document pursuant to FFA/IAG or other enforceable decision document, or the date of EPA's letter of concurrence.

Changes in Definition FY 02/03 - FY 04/05:

Removal Action Decision Document completion date has been added to the accomplishment definition.

Special Planning/Reporting Requirements:

The ROD Completion date is the same as the RI/FS completion date. The EE/CA completion date is the same as the Action memo or Removal Action Decision Document completion date. The date of the RCRA Corrective Measure Decision document is the CMS Completion date. This is a program target.

h. Final Remedy Selected/Final ROD Authority

Definition:

This measure will track the Final Remedy Selected at NPL or Superfund Alternative Sites. A Final Remedy Selected occurs when a final decision has taken place at a site (i.e. the final remedy has been selected at the last OU for a site). This can include the signature of the final ROD at a site (sites with a completed ROD and no planned RODs).

Definition of Accomplishment:

Date (Actual Complete) the Final ROD (Action Name = Record of Decision), is signed by the Regional Administrator or delegatee, or the date of EPA concurrence/approval on the clean-up decision document pursuant to FFA/IAG or other enforceable decision document, or the date of EPA's letter of concurrence.

An action qualifier must be entered into WasteLAN indicating the ROD is the Final ROD at the site (Action Qualifier = Final ROD).

Changes in Definition FY02/03 - FY04/05:

This is a new measure for FY 04.

Special Planning/Reporting Requirements:

This is a GPRA measure.

i. EXPLANATIONS OF SIGNIFICANT DIFFERENCE (ESD) AND ROD AMENDMENTS

Definition:

An Explanation of Significant Difference (ESD) documents significant changes to a Record of Decision (ROD). Significant changes generally involve a change to a component of a remedy that does not fundamentally alter the overall cleanup approach. A ROD Amendment documents fundamental changes to the remedy selected in the ROD. Fundamental changes involve an appreciable change or changes in the scope, performance, and/or cost or may be a number of significant changes that together have the effect of a fundamental change.

Definition of Accomplishment:

Explanation of Significant Difference: The Date (Actual Complete) the ESD (Action Name = Record of Decision and SubAction Name = Explanation of Significant Diff) is signed by the Regional Administrator or delegate, or the date of EPA concurrence/approval on the clean-up decision document pursuant to FFA/IAG or other enforceable decision document, or the date of EPA's letter of concurrence.

ROD Amendment: The date (Actual Complete) the ROD Amendment (Action Name = Record of Decision and SubAction Name = ROD Amendment) is signed by the Regional Administrator or delegate, or the date of EPA concurrence/approval on the cleanup decision document pursuant to FFA/IAG or other enforceable decision document, or the date of EPA's letter of concurrence.

Changes in Definition FY 02/03 - FY 04/05:

This is a new Program Measure

Special Planning/Reporting Requirements:

This is a Program Measure.

j. REMEDIAL DESIGN

Definition:

The RD is a CERCLA design that establishes the general size, scope, and character of a project, and details and addresses the technical requirements of the RA selected in the ROD. The RD may include, but is not limited to, drawings, specification documentation, and statement of bidability and constructability. The CMD is a RCRA design that establishes the general size, scope, and character of a project, and details and addresses the technical requirements of the CMC selected in the RCRA Corrective Measure decision document. The CMD may include, but is not limited to, drawings, specification documentation, and statement of bidability and constructability. A RD or CMD is complete when the plans and specifications for the selected remedy are developed and approved.

Definition of Accomplishment:

RD Start - If post-ROD, the RD (Action Name = FF RD) or CMD (Action Name = Corrective Measure Design) start date (Actual Start) is the date of submission of the RD or CMD work plan or other appropriate documents or statement of work. If work begins prior to the ROD, the RD or CMD actual start date (Actual Start) will be the ROD signature date or submission date of RD or CMD work plan or any other major deliverable (e.g., 30% design complete).

RD Completion - RDs and CMDs are considered complete the date a letter is signed by the appropriate Regional official approving the entire final RD or CMD package. If EPA does not approve the final RD or CMD package, the RD or CMD is considered complete the date of the Commerce Business Daily (CBD) or other appropriate publication requesting bids on the final RD or CMD package. This date is reported in CERCLIS as the actual completion date (Actual Complete) of the RD (Action Name = FF RD) or CMD (Action Name = Corrective Measure Design).

Changes in Definition FY 02/03 - FY04/05

New measure for FY 04/05.

Special Planning/Reporting Requirements:

This is a SCAP reporting measure. RD or CMD starts and completions are reported site-specifically (Action Name = FF RD or Corrective Measure Design) in CERCLIS.

k. DURATION OF ROD TO IAG NEGOTIATION COMPLETION

Definition:

The objective of this measure is to focus attention on the statutory requirement for an IAG to be entered into within 180 days after signature of the ROD. SARA Section 120(e) (2) states that “within 180 days [after signature of the ROD], the head of the department, agency, or instrumentality concerned shall enter into a IAG with the administrator for the expeditious completion by such department, agency, or instrumentality of all necessary remedial action at such facility.” This measure tracks compliance against the CERCLA Section 120 statutory requirements.

Definition of Accomplishment:

The duration of ROD to IAG will be calculated based on the actual completion date of the ROD (Action name = Record of Decision) and the latter of the dates that the Federal agency, EPA, and/or State sign the IAG, or the date the Letter of Intent to sign an IAG is signed by all parties, as reported in WasteLAN as the actual completion (Actual Completion) of FFA/IAG negotiations (Action Name = IAG Negotiation).

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

This is a GPRA APM reporting measure. Data in WasteLAN will be used to calculate the timespan on a semi-annual basis. HQ will perform the analysis.

l. REMEDIAL ACTION (RA) OR RCRA CORRECTIVE MEASURE IMPLEMENTATION (CMI) STARTS

Definition:

A RA or CMI is the implementation of the remedy selected in the ROD or appropriate RCRA corrective measure decision document at NPL sites to ensure protection of human health and the environment.

Definition of Accomplishment:

Date on which substantial, continuous, physical, on-site, remedial actions begin pursuant to SARA Section 120(e) as documented by a memo or letter to EPA. This date is reported in WasteLAN as the actual RA (Action Name = FF RA) or CMI (Action Name = Corrective Measure Implementation) start date (Actual Start).

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

This is a program measure. RA or CMI starts are reported site specifically (Action Name = FF RA or Corrective Measure Implementation) in WasteLAN.

m. TIMESPAN FROM ROD SIGNATURE TO RA START

Definition:

The objective of this measure is to focus attention on the statutory requirement for an RA start within 15 months of the ROD signature.

SARA Section 120(e) states that “substantial, physical, on-site remedial action shall be commenced at each Federal facility no later than 15 months after completion of the investigation and study.” This measure tracks compliance against the CERCLA Section 120 statutory requirements.

Definition of Accomplishment:

This measure will look at Federal agency performance by comparing the average timespan from ROD signature to RA start for all sites where a RA actually started in FY 04/05. Sites exceeding the 15 month requirement will be identified. Comparisons will be made to previous Agency performance to determine trends.

The durations will be calculated using the actual ROD (Action Name = Record of Decision) completion date (Actual Complete) and the actual RA (Action Name = FF RA) start date (Actual Start) in WasteLAN. The ROD signature and RA start definition contained in Decision Documents and RA or Corrective Measure Construction Starts, respectively, will be used in the analysis.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

This is a GPRA APM reporting measure. Data in WasteLAN will be used to calculate the timespan on a semi-annual basis. HQ will perform the analysis.

n. RA OR CMI COMPLETIONS

Definition:

A RA or CMI is complete when construction activities are complete, a final inspection has been conducted, and an interim or final RA Report or appropriate CMI reporting vehicle has been prepared and approved by EPA in writing. This report summarizes site conditions and construction activities. Note: This date may be later than 120(h)(3) BRAC requirements for base closure.

Definition of Accomplishment:

The RA or CMI is complete the date that the designated Regional official (Branch Chief or above, as determined by the EPA Region) approves in writing the interim or final RA Report or signs the interim or final report or appropriate CMI reporting vehicle for the RA or CMI that documents the completion of construction activities. In lieu of a report from the contractor's construction manager, the region must prepare a report to document the completion. The approval can be provided with an appropriate signature on the RA Report cover sheet or by letter to the originator of the RA Report. The appropriate date must be recorded in WasteLAN as the actual completion date (Actual Complete) of the RA (Action Name = FF RA) or CMI (Action Name = Corrective Measure Implementation).

An action qualifier must be entered into WasteLAN indicating the RA was completed via an Interim or Final RA Report (Action Qualifier = Interim RA or Final RA).

Interim Remedial Action Report

Criteria for approval of the Interim Remedial Action Report are:

- The remedy includes groundwater or surface water restoration, with active treatment or natural attenuation, to reduce contaminant concentrations to meet cleanup goals and cleanup goals have not been achieved;
- The construction of the treatment and/or monitoring system is completed and the system is operating as intended;
- If the RA includes remedy components other than groundwater, construction activities are complete and cleanup goals specified in the ROD have been achieved for these components;
- A contract final inspection or equivalent has been conducted;
- Institutional controls, if applicable, are in place; and
- The Interim Remedial Action Report contains the information described in "Close Out Procedures for National Priorities List Sites."

Note: When an Interim RA Report is prepared as indicated above, a Final RA Report is later required once cleanup goals for the groundwater or surface water restoration are achieved.

Final Remedial Action Report

Criteria for approval of the Final Remedial Action Report are:

- All construction activities are complete, including site restoration and demobilization;
- All cleanup goals specified in the ROD have been achieved, including ground and surface water restoration;
- A contract final inspection or equivalent has been conducted;
- Institutional controls, if applicable, are in place; and
- The Final Remedial Action Report contains the information described in "Close Out Procedures for National Priorities List Sites."

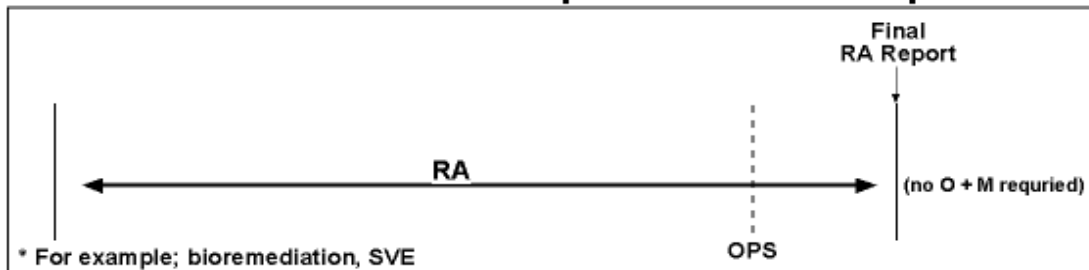
The following table provides examples of Remedial Actions and indicates when Remedial Action Completion can be achieved.

Remedial Action Completion Examples

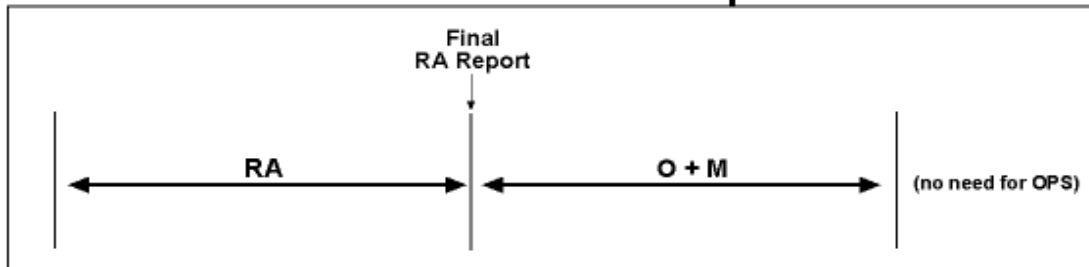
Example RA	RA Complete
Excavation and off-site disposal of contamination.	After all wastes have been excavated, removed from the site to an approved location, site has been restored, cleanup goals have been achieved, and the Final RA Report is approved. Since wastes have been removed, no O&M activities for this remedy are expected.
On-site treatment of wastes, other than groundwater or surface water, to achieve cleanup goals (e.g., soil vapor extraction, bioremediation, incineration).	After cleanup goals have been achieved for the treated wastes, site has been restored, and the Final RA Report is approved. Since wastes have been treated to achieve cleanup levels, no O&M activities for this remedy are expected.
Containment remedies (e.g., caps, flood/erosion control measures, barrier walls, leachate collection/treatment measures, groundwater measures to capture or prevent migration of plume, or surface water interception/diversion measures).	After construction of the designed remedy is complete, cleanup goals have been achieved, and the Final RA Report is approved. O&M activities follow.
Groundwater and surface water restoration remedies that involve active treatment to reduce contaminant concentrations to meet cleanup goals.	After construction of the treatment plant and monitoring system are completed, the plant/system is operating as intended, and the Interim RA Report is approved. O&M activities follow. The Final RA Report is prepared when cleanup levels are achieved.
Groundwater and surface water restoration remedies where restoration is later determined to be technically impracticable (TI waiver).	After ROD Amendment has documented the TI waiver, other cleanup goals have been achieved and Final RA Report is approved. O&M activities may follow if further monitoring is needed.

EXHIBIT D.2 Remedial Pipeline Flow Charts

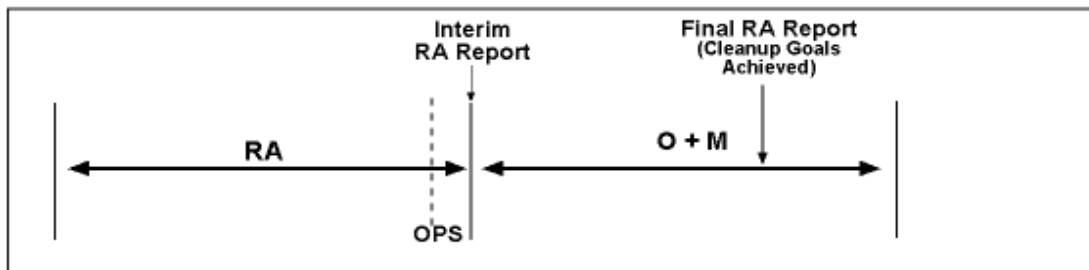
Treatment and Off-site Disposal Remedies Pipeline



Containment Remedies Pipeline



Ground Water and Surface Water Restoration Pipeline and Monitored Natural Attenuation



OPS= Operating Properly & Successfully and applies only to BRAC sites.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

This is a program target. RA or CMI (Action Name = FF RA or Corrective Measure Implementation) completions are reported site specifically in WasteLAN. An action qualifier must be entered into WasteLAN indicating the RA was completed via an Interim or Final RA Report (Action Qualifier = Interim RA or Final RA).

o. REMOVAL OR RCRA INTERIM/STABILIZATION MEASURE (ISM) — STARTS AND COMPLETIONS**Definition:**

Removal actions are defined as the cleanup or removal of released hazardous substances from the environment, and the necessary actions taken in the event of the threat of release of hazardous substances into the environment. ISMs are defined as RCRA removal actions that are intended to abate threats to human health and the environment from releases and/or to prevent or minimize the further spread of contamination while long-term remedies are pursued. Regions need to report removal actions conducted in response to emergency, time-critical, and non-time critical (NTC) situations at BRAC, non-NPL or NPL sites. Under the Defense Environmental Restoration Program (DERP), DoD is required to notify EPA of its removal actions. Long-term O&M should not be conducted under the removal.

Definition of Accomplishment:

Removal/ISM Start Date: Date the Federal agency begins actual on-site removal work, or the date of Action Memorandum signature, or the date the lead Federal agency provides notice to EPA, or other decision document signature/approval. The date must be reported in WasteLAN as the actual start date (Actual Start) of the removal (Action Name = FF Removal) or ISM (Action Name = RCRA Interim/Stabilization Measure).

Removal/ISM Completion Date: Actual date the Federal agency has demobilized and notified EPA, completing the scope of work delineated in the Action Memorandum or other decision document. The date must be reported in WasteLAN as the actual completion date (Actual Complete) of the removal (Action Name = FF Removal), or ISM (Action Name = RCRA Interim/Stabilization Measure).

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

See Definition of Accomplishment. Removal or RCRA ISM starts is a GPRA measure; Removal or RCRA ISM completions is a program measure.

p. NPL SITE CONSTRUCTION COMPLETIONS**Definition:**

Construction at a NPL site is considered complete when physical construction is complete for the entire site as a result of one or several removal or remedial actions; and a Preliminary or Final Close Out Report (PCOR or FCOR) has been signed by the designated Regional official and concurred with by HQ. The report must address construction activities for the entire site. There is only one NPL site construction completion per NPL site, and the site must be final on the NPL. For more detailed information, see OSWER Directive 9320.2-09A-P, "Close Out Procedures for National Priorities List Sites."

Definition of Accomplishment:

The following table explains coding and accomplishment requirements.

NPL Site Construction Completion		
Examples of last OU or activity	When Construction is Complete	Coding Requirements
1) Excavation and off-site disposal of contamination, 2) On-site treatment of wastes (except for groundwater restoration, bioremediation or soil vapor extraction), or 3) Containment remedies.	Pre-final inspection has been conducted, only minor punch list items remain, and the designated Regional official has signed the Preliminary or Final Close-Out Report (PCOR or FCOR).	<p>The region enters completion date of the report into WasteLAN as the actual completion date (Actual Complete) of the Preliminary Close-Out Report [Action Name = Prelim Close-Out Rep Prepared], or the actual completion date (Actual Complete) of the Final Close-Out Report [Action Name = Close Out Report]</p> <p>AND</p> <p>HQ enters the Construction Completion indicator into WasteLAN. This action constitutes HQ concurrence with the PCOR or FCOR documentation.</p>
In-situ bioremediation, ex-situ bioremediation, or soil vapor extraction.	Treatment unit has been constructed, is operating as designed, studies show that technology will achieve cleanup goals, and the designated Regional official has signed the PCOR.	
Interim action RODs for groundwater restoration to reduce contaminant concentrations to meet cleanup goals.	Remedy is documented in final ROD, physical construction of the remedy is complete, and the designated Regional official has signed the PCOR.	
RODs with contingency remedies	Physical construction of the remedy is complete, a pre-final inspection has been conducted, only minor punch list items remain, the PCOR or FCOR demonstrates that use of the contingency is not anticipated, and the designated Regional official has signed the PCOR or FCOR.	
Sites deleted from the NPL prior to reaching Construction Completion.	When (1) EPA determines that all physical construction is complete under all statutory authorities, and (2) all other applicable construction completion policy criteria have been satisfied.	Consistent with requirements for final NPL sites.

NPL Site Construction Completion (cont'd.)		
Examples of last OU or activity	When Construction is Complete	Coding Requirements
Sites requiring no remedial action or no further remedial action in the last OU. This includes groundwater monitoring if that is the only activity specified in the ROD.	No action or no further action ROD has been signed, and the designated Regional official has signed the PCOR or FCOR. Effective in FY 99, No Action RODs will not be accepted for Construction Completion.	The region enters the completion date of the report into WasteLAN as the actual completion date (Actual Complete) of the PCOR (Action Name = Prelim Close-Out Report Prepared) or the actual completion date (Actual Complete) of the Final Close-Out Report (Action Name = Close Out Report).
Institutional controls as the only remedy in the ROD.	The PCOR indicates that the institutional controls are in the schedule for site completion, and the designated Regional official has signed the PCOR. If institutional controls have been implemented, region can go directly to FCOR.	AND HQ enters the Construction Completion indicator into WasteLAN. This action constitutes HQ concurrence with the PCOR or FCOR documentation.
NPL site entirely addressed through removal actions. For removals with institutional controls, see above.	Actual date the Federal agency has demobilized and notified EPA, completing the scope of work delineated in the Action Memorandum or other decision document. The date must be reported in WasteLAN as the actual completion date (Actual Complete) of the removal (Action Name = FF Removal), or ISM (Action Name = RCRA Interim/Stabilization Measure).	The region enters the following into WasteLAN: The removal (Action Name = Removal Action or PRP Removal) actual completion date (Actual Complete) as reported in the POLREP; and the Qualifier that indicates that the site is Cleaned Up; and the actual completion date (Actual Complete) of the Final Close-Out Report (Action Name = Close Out Report); AND HQ enters the Construction Completion indicator into WasteLAN. This action constitutes concurrence with the FCOR documentation.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

Regions will not receive credit for a NPL Site Construction Completion until the actual completion date of the Preliminary or Final Close-Out Report is entered into WasteLAN, the necessary documentation is submitted to HQ, and HQ enters the construction completion indicator into WasteLAN. Regions identify sites to meet the goal prior to the start of the FY. This is a GPRA annual performance goal.

q. OPERATION AND MAINTENANCE (O&M)

Definition:

O&M are the activities required to maintain the effectiveness or integrity of the remedy. Except in the case of groundwater or surface restoration remedies, including monitored natural attenuation, O&M measures are initiated after cleanup goals are achieved, and the remedy is operating as intended. In the case of groundwater or surface water restoration remedies, including monitored natural attenuation, O&M measures are initiated when the remedy is operating as intended.

O&M [Action Name = Operations and Maintenance] starts when the designated EPA Regional Official (Branch Chief or above, as determined by the EPA region) approves in writing the Interim or Final Remedial Action Report.

Where appropriate, the completion of O&M is defined as the date (actual complete) specified in the FFA/IAG. If O&M must be conducted indefinitely, regions should not enter as actual completion date.

Changes in Definition for FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

This is a program measure.

r. CLEANUP GOALS ACHIEVED

Definition:

This measure is used to indicate when cleanup goals are achieved for groundwater and surface water restoration, including monitored natural attenuation. It tracks achievement of cleanup goals for these remedies because they have not yet achieved cleanup goals at Remedial Action completions.

Definition of Accomplishment:

Cleanup goals are achieved when the designated Regional Official (Branch Chief or above) approves in writing the Final Remedial Action Report. This report should update information previously prepared in the Interim Remedial Action Report. For more detailed information, see OSWER Directive 9320.2-09A-P, "Close Out Procedures for Completion and Deletion of National Priorities List Sites."

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

Cleanup Goals Achieved is planned on an action specific basis (Action Name = Operations & Maintenance and SubAction Name = Cleanup Goals Achieved) in WasteLAN. This is a program measure.

s. FEDERAL FACILITY FIVE-YEAR REVIEWS**Definition:**

Five-year reviews are intended to evaluate whether the response action implemented at NPL site remains protective of public health and the environment, is functioning as designed, and necessary operation and maintenance is being performed. Every five years, EPA, or the lead Federal agency, will review any site at which a post-SARA remedy, upon, attainment of cleanup levels specified in the ROD, will not allow unlimited use and unrestricted exposure. EPA, or the lead Federal agency conducts policy reviews at sites where remedial actions will take longer than five years to complete, and sites with pre-SARA remedies at which the cleanup levels do not allow unlimited use and unrestricted exposure. Five-year reviews generally involve a site visit or documentation of conditions noted through ongoing presence at the site.

Definition of Accomplishment:

Five-Year Review Starts - Credit is given for a five-year review start when EPA approves the five-year review work plan submitted by the other Federal agency, or when the Federal facility actually starts the review or submits the draft document for review, as outlined in the ROD or IAG. The actual start date (Actual Start) for the five-year review (Action Name = Five-Year Remedy Assessment) must be entered into WasteLAN. There are multiple triggers for five-year reviews. Please reference policy to select the appropriate method for calculating the five-year review date.

Five-Year Review Completions - The five-year review is complete on the date the designated Regional official either signs the five year review report stating whether the remedy is, or is not, protective of human health and the environment, or has concurred on the five year review report, or has made their own protectiveness determination. The actual completion date (Actual Complete) for the five-year review (Action Name = Five-Year Remedy Assessment) must be entered into WasteLAN.

Changes in Definition FY 02/03 - FY 04/05:

Expanded the completion definition to include concurrence of the five year report and protectiveness determination.

Special Planning/Reporting Requirements:

Five-year Review Completes is a program measure. Five-year review completes must be planned and reported site-specifically (Action Name = Five-Year Remedy Assessment) in WasteLAN. The trigger for a statutory five-year review is the actual completion date of the RA on-site construction.

Note: Five-Year Review Completions are a program measure for Federal facilities. For Superfund, Five-Year Review Completions are program targets. (See Exhibit B.1 in Appendix B and Exhibit D.1 in Appendix D)

t. FEDERAL FACILITY PARTIAL NPL DELETION**Definition:**

EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such portion may be a defined geographic unit of the site, perhaps as small as a residential unit, or may be a specific medium at the site (e.g., groundwater), depending on the nature or extent of the release(s). The criteria for partial deletion are the same as for final deletion. Given State concurrence, EPA considers:

- Whether responsible or other parties have implemented all appropriate and required response actions;
- Whether all appropriate Fund-financed responses under CERCLA have been implemented and EPA has determined that no further cleanup by responsible parties is appropriate; or

- Whether the release of hazardous substances poses no significant threat to the public health, welfare or the environment, thereby eliminating the need for remedial action.

The partial deletion action should only be used when the deletion does not address all releases listed on the NPL. If a deletion does cover the remaining release listed on the NPL, the action should be treated as a Final NPL Deletion (Action Name = Deletion from NPL), discussed below.

Definition of Accomplishment:

The partial NPL deletion process (Action Name = Partial NPL Deletion) starts (Actual Start) when a Notice of Intent to Delete is published in the *Federal Register* for that specified portion of the site. If the Direct Final Process for Partial Deletions is used, the process begins when the Direct Final Action Notice is published in the Federal Register [Action Name = Notice of Intent to Delete].

The partial NPL deletion process (Action Name = Partial NPL Deletion) is complete (Actual Complete) when the Notice of Partial Deletion is published in the *Federal Register* for that specified portion of the site. If the Direct Final Process for Partial Deletions is used and the comment period has ended with no adverse comments, the actual completion (Actual Complete) is the effective date of deletion specified in the Direct Final Action Notice.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

Partial NPL deletions are tracked separately from final NPL deletions (Action Name = Deletion from NPL). Partial site deletions will be entered by the regions if a portion, or portions, of the release remain listed on the NPL following completion of the partial deletion.

A site deletion (Action Name = Deletion from NPL) will be entered by the regions if the deletion activity addresses all remaining releases listed on the NPL (either as a one-time deletion action for the entire site as originally listed, or as the last deletion activity associated with a site subject to previous partial deletions). This is a program measure.

u. FEDERAL FACILITY FINAL NPL DELETION

Definition:

With State concurrence, EPA may delete sites from the NPL when it determines that no further response is appropriate under CERCLA. In making that determination, EPA considers:

- Whether responsible or other parties have implemented all appropriate and required response actions;
- Whether all appropriate Fund-financed responses under CERCLA have been implemented and EPA has determined that no further cleanup by responsible parties is appropriate; or
- Whether the release of hazardous substances poses no significant threat to the public health, welfare or the environment, thereby eliminating the need for remedial action.

EPA will consider deleting the entire site or portions of sites from NPL, as appropriate. EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such portions may be

a defined geological unit of the site, or may be a specific medium at the site. If a decision does cover the remaining release listed on the NPL, the action should be treated as a Final NPL Deletion. State concurrence is required for any deletion.

Definition of Accomplishment:

The deletion process for the entire site [Action Name = Deletion from the NPL] starts (Actual Start) when a Notice of Intent to Delete is published for the *Federal Register*. If the Direct Final Process for Partial Deletions is used, the process begins when the Direct Final Action Notice is published in the Federal Register [Action Name = Notice of Intent to Delete].

The deletion process for the entire site [Action Name = Deletion from the NPL] is complete (Actual Complete) when the Notice of Deletion is published in the *Federal Register*. If the Direct Final Process for Partial Deletions is used and the comment period has ended with no adverse comments, the actual completion (Actual Complete) is the effective date of deletion specified in the Direct Final Action Notice.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

An entire site deletion action (Action Name = Deletion from the NPL) will be entered by the regions if the deletion activity addresses the remaining release listed on the NPL (either as a one-time deletion event for the entire site as originally listed, or as the last deletion activity associated with a site subject to previous partial deletions). When the Notice of Deletion is published, the regions will change the NPL Status in WasteLAN to "Deleted from Final NPL." This is a program measure.

D.B.3 COMMUNITY INVOLVEMENT DEFINITIONS

The following section contains Community Involvement requirements for Federal facilities. Community Involvement requirements for non-Federal facility sites are included in Appendix J.

a. RESTORATION ADVISORY BOARDS(RABs)/SITE-SPECIFIC ADVISORY BOARDS (SSABs)

Definition:

Site-Specific Advisory Boards (SSABs) are a forum for experts and concerned stakeholders to provide advice and recommendations on DOE's Environmental Management strategic decisions. Restoration Advisory Boards (RABs) provide a forum through which members of nearby communities can provide input to DoD's environmental restoration program.

RABs and SSABs complement other community involvement activities, such as public meetings, mailings, and local information repositories.

Definition of Accomplishment:

RAB/SSAB Start (Established) Date: The actual start date of the RAB/SSAB is defined as the actual start date (Actual Start) of the initial RAB/SSAB information meeting (SubAction Name = Site-Specific Advisory Board Meeting or SubAction Name = Restoration Advisory Board Meeting).

RAB Completion (Adjourned) Date: The actual completion (Actual Complete) date of the ‘Restoration Advisory Board’ (SubAction Name = Restoration Advisory Board) is the date the RAB is adjourned by DoD (SubAction Name = Restoration Advisory Board).

SSAB Completion (Terminated) Date: The actual completion (Actual Complete) date of the ‘Site-Specific Advisory Board’ (SubAction Name = Site-Specific Advisory Board) is the date the SSAB is terminated by the Secretary of Energy (SubAction Name = Site-Specific Advisory Board).

Changes in Definition FY 02/03 - FY 04/05:

The RAB and SSAB start definitions were modified.

Special Planning/Reporting Requirements:

This is a GPRA measure. The data management approach for tracking the adjournment of RABs and the termination of SSABs is still under development. Site Specific Advisory Board Meeting and Restoration Advisory Board Meeting are valid SubActions under Federal Facility Community Relations.

b. TECHNICAL ASSISTANCE GRANTS (TAGs)

This measure is being withheld pending OGC & EPA Grants approval.

c. TECHNICAL OUTREACH SERVICES FOR COMMUNITIES (TOSC)**Definition:**

TOSC provides independent scientific and technical assistance to communities dealing with hazardous substance contamination questions. TOSC provides information and education to empower communities with an understanding of technical issues to more effectively participate in environmental decisions. TOSC is a service of the University-based Hazardous Substance Research Centers (HSRCs) which are, in part, supported by grants from EPA.

Definition of Accomplishment:

The start of a TOSC is the date when the MOU (Memorandum of Understanding) is signed, which is the date of the commitment between the community and the HSRCs. The date the MOU is signed should be reported in WasteLAN as the actual start date (Actual Start) of the TOSC (Action Name = Technical Outreach Services to Communities).

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

The region must indicate on the Community Organizations Information screen that the organization is a TOSC recipient. This is a program measure.

D.C SUBJECT MATTER EXPERTS

Exhibit D.4 identifies the subject matter experts for Appendix D: Federal Facilities.

**EXHIBIT D.3
SUBJECT MATTER EXPERTS**

Subject Matter Experts	Subject Area	Phone #
Lance Elson	Federal Facility Enforcement	(202) 564-2577
Joshua Barber	Federal Facility Response	(703) 603-0265

**This Page Intentionally
Left Blank**